

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

SECOND REGULAR SESSION
JANUARY 7, 2026 to APRIL 29, 2026

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2026

CHAPTER 606
H.P. 1470 - L.D. 2189

**An Act to Require Prior
Notification of Closures of
Labor and Delivery Units and
Changes in Maternity or
Newborn Care Services by
Hospitals as Recommended by
the Commission to Evaluate
the Scope of Regulatory
Review and Oversight over
Health Care Transactions That
Impact the Delivery of Health
Care Services in the State**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the notification required by this legislation is needed as soon as possible to give affected residents adequate time to prepare for closures of labor and delivery units and make other plans; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1822-B is enacted to read:

§1822-B. Notice of termination of or change in maternity or newborn care services

1. Termination of maternity or newborn care services. A hospital shall file with the department at least 120 days prior to the effective date of the termination of maternity or newborn care services a notice setting forth the following information:

A. The effective date of the proposed termination and the reason for the termination;

B. The name, title, e-mail address and phone number for a contact person at the hospital;

C. The hospital's plan for emergency care, including the development and review of policy and procedure for maternity emergencies and training for emergency department and family practice staff on emergency obstetric care;

D. A list and descriptions of notifications sent to surrounding hospitals within 50 miles and Level II, Level III and Level IV newborn nursery units, to

any local emergency management, fire and law enforcement services and to any registered patients that are affected by the termination; and

E. A description of how the hospital provided public notification of the termination.

2. Change in level of care of maternity or newborn care services. A hospital shall file with the department at least 120 days prior to the effective date of a change in the level of care of maternity or newborn care services a notice setting forth the following information:

A. The effective date of the proposed change in the level of care and the reason for the change;

B. The name, title, e-mail address and phone number for a contact person at the hospital;

C. A list and descriptions of notifications sent to surrounding hospitals within 50 miles and Level II, Level III and Level IV newborn nursery units, to any local emergency management, fire and law enforcement services and to any registered patients that are affected by the change; and

D. A description of how the hospital provided public notification of the change.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 3, 2026.

CHAPTER 607

S.P. 894 - L.D. 2193

**An Act to Extend the
Requirement That the Maine
Commission on Public Defense
Services Compensate Certain
Private Attorneys Appointed to
Provide Indigent Legal
Services**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Public Law 2025, chapter 40 requires the Maine Commission on Public Defense Services to compensate an attorney appointed by a District Court, a Superior Court or the Supreme Judicial Court to represent a person who is eligible to receive indigent legal services if no public defender, assigned counsel, contract counsel or employed counsel is available to represent the person and if the appointed attorney is willing and qualified to undertake the representation; and

Whereas, the provision of Public Law 2025, chapter 40 requiring compensation of private attorneys appointed by state courts to provide indigent legal services was repealed on February 1, 2026; and

Whereas, due to the current lack of attorneys rostered by the Maine Commission on Public Defense Services to take these indigent legal services cases, it is important to extend this provision for a period of one year to ensure that the fundamental rights of indigent parties in these proceedings are protected; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §1802, sub-§4-A is enacted to read:

4-A. Private attorney. "Private attorney" means an attorney who is not a public defender, contract counsel, assigned counsel or employed counsel.

Sec. 2. 4 MRSA §1805-A, sub-§1, as amended by PL 2025, c. 40, §1, is further amended to read:

1. Duties. The executive director shall administer and improve reimbursement of expenses incurred by assigned counsel, contract counsel and, until ~~February April 1, 2026~~ 2027, a private attorney appointed under section ~~1807~~ 1807-A by:

A. Establishing procedures to ensure that the eligibility of defendants and civil parties is verified and reviewed randomly and when circumstances have changed, information has changed, additional information is provided or as otherwise needed;

B. Petitioning the court to reassess the indigency of a defendant or civil party if the executive director determines that indigency should be reassessed;

C. Providing to the commission recommendations to improve reimbursement of expenses;

D. Requiring that the amount of time spent on each case by assigned counsel or contract counsel is recorded separately for each case; and

E. Receiving from the courts collections for the costs of representation from defendants or civil parties who are found to be partially indigent or who have otherwise been determined to be able to reimburse the commission for expenses incurred by assigned counsel, contract counsel or, until ~~February April 1, 2026~~ 2027, a private attorney appointed under section ~~1807~~ 1807-A.

Sec. 3. 4 MRSA §1805-A, sub-§3, as amended by PL 2025, c. 40, §2, is further amended to read:

3. Partial indigency and reimbursement. This subsection applies to partial indigency and reimbursement of expenses incurred by assigned counsel, contract counsel or, until ~~February April 1, 2026~~ 2027, a private attorney appointed under section ~~1807~~ 1807-A.

A. If the court determines that a defendant or civil party is unable to pay to obtain private counsel but is able to contribute to payment of assigned counsel, contract counsel or, until ~~February April 1, 2026~~ 2027, a private attorney appointed under section ~~1807~~ 1807-A, the court shall order the defendant or civil party to make installment payments up to the full cost of representation or to pay a fixed contribution. The court shall remit payments received to the commission.

B. A defendant or civil party may not be required to pay for legal services in an amount greater than the expenses actually incurred.

C. Upon petition of a defendant or civil party who is incarcerated, the court may suspend an order for reimbursement issued pursuant to this subsection until the time of the defendant's or civil party's release.

D. The executive director may enter into contracts to secure the reimbursement of fees and expenses paid by the commission as provided for in this section.

Sec. 4. 4 MRSA §1807-A is enacted to read:

§1807-A. Court appointment of private attorney

1. Appointment of private attorneys by District Court and Superior Court. Notwithstanding any provision of this chapter to the contrary, a court may appoint a private attorney to represent a person who is eligible to receive indigent legal services in a matter pending before the District Court or Superior Court, including for purposes of providing limited representation as defined by the court in its appointment order, if the court finds the following:

A. A public defender, assigned counsel, contract counsel or employed counsel is not available to represent the person;

B. The private attorney is qualified to represent the person in the matter pending before the court, has not been disqualified by the commission and has at least 3 years of legal experience relevant to the pending matter; and

C. The private attorney consents in advance to the appointment.

2. Private attorney appointment; Supreme Judicial Court. Notwithstanding any provision of this chapter to the contrary, a court may appoint a private attorney to represent a person who is eligible to receive indigent legal services in a matter before the Supreme

Judicial Court, including for purposes of providing limited representation as defined by the court in its appointment order, if the court finds the following:

A. A public defender, assigned counsel, contract counsel or employed counsel is not available to represent the person;

B. The private attorney is qualified to represent the person in the matter pending before the court, has not been disqualified by the commission and either has at least 3 years of legal experience relevant to the pending matter or has previously served as a law clerk analyzing cases relevant to the pending matter; and

C. The private attorney consents in advance to the appointment.

3. Compensation and reimbursement. The commission shall provide compensation and reimbursement to a private attorney appointed by the court under subsection 1 or 2 in accordance with this subsection.

A. The compensation and reimbursement must be equivalent to the compensation and reimbursement provided to assigned counsel under the rulemaking directed by section 1804, subsection 3, paragraph F. The commission may decline to compensate or reimburse the private attorney for a particular expense or task to the same extent that the commission would decline to compensate or reimburse assigned counsel for a similar expense or task under the rules and procedures adopted by the commission pursuant to section 1804.

B. The process for compensation and reimbursement must be in accordance with the requirements established by the commission under section 1804, subsection 3, paragraph B for voucher review and payment authorization.

C. For each court proceeding identified by a single docket number, the commission is not required to compensate or reimburse more than one private attorney for services provided to represent a single indigent legal services client.

4. Supervision. The commission's supervision of a private attorney appointed pursuant to subsection 1 or 2 is limited to addressing complaints made by the client whom the private attorney was appointed to represent under subsection 1 or 2.

5. Confidentiality. The provisions of section 1806, subsections 2 and 3 apply to the same extent that those provisions apply to commission-rostered attorneys who serve as assigned counsel, to private attorneys appointed by the court to provide indigent legal services pursuant to subsections 1 and 2.

6. Repeal. This section is repealed April 1, 2027.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 3, 2026.

CHAPTER 608

S.P. 214 - L.D. 474

An Act to Establish a Stewardship Program for Primary and Rechargeable Batteries

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1604, sub-§2, as enacted by PL 1989, c. 583 and repealed and replaced by c. 878, Pt. A, §116, is amended to read:

2. Lead-acid battery retailers. A Except as provided in subsection 2-A, a person selling or offering for retail sale lead-acid batteries shall:

A. Accept, at the point of transfer, used lead-acid batteries in reasonably clean and unbroken condition from customers in a quantity at least equal to the number of new batteries purchased;

B. If a used lead-acid battery is not exchanged at the time of sale, collect a \$10 deposit on the new battery.

(1) The deposit shall be returned to the customer when the customer delivers a used lead-acid battery within 30 days of the date of sale.

(2) All funds received by a dealer as a deposit on a lead-acid battery shall be held in trust and separately accounted for by the retailer. Any interest on those funds shall inure to the benefit of the retailer. Annually on July 1st, all deposits not returned to customers in exchange for lead-acid batteries during the previous year ending June 30th shall inure to the benefit of the retailer; and

C. Post an 8 1/2" x 11" written notice that includes the display of the universal recycling symbol and the following language.

(1) "State law requires us to accept motor vehicle batteries or other lead-acid batteries for recycling in exchange for new batteries purchased."

(2) "A deposit of \$10 will be charged for each new lead-acid battery that is not exchanged with an old lead-acid battery."

(3) "It is illegal to dump, bury or incinerate a motor vehicle lead-acid battery or other lead-acid battery."